

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS L. WILLIAMS, et al.,

Plaintiffs

v.

JOEY KEATON, et al.,

Defendants

Case No. 3:23-cv-00510-MMD-CSD

ORDER

On October 19, 2023, Plaintiffs Thomas Williams, Joey Keaton, and Haywood Wilson, inmates at Washoe County Detention Facility, submitted a *pro se* civil-rights complaint under 42 U.S.C. § 1983 that seeks to bring a class action on behalf of African American pretrial detainees at the facility. But the Court cannot consider the complaint because no Plaintiff personally signed it. And this action cannot otherwise proceed because Plaintiffs have neither paid the full \$402 filing fee nor applied to proceed *in forma pauperis*.

I. DISCUSSION

Litigants who are not represented by counsel are *pro se* and have the right to plead and conduct their own cases personally. 28 U.S.C. § 1654. But *pro se* litigants have no authority to represent anyone other than themselves. See, e.g., *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664–65 (9th Cir. 2008) (collecting cases and explaining that a non-attorney plaintiff cannot pursue claims on behalf of others in a representative capacity); *Cato v. United States*, 70 F.3d 1103, 1105 n.1 (9th Cir. 1995); *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987). This means *pro se* litigants cannot seek to certify a case as a class action themselves; they must be represented by counsel. See *Simon*, 546 F.3d at 665 (citing *Oxendine v. Williams*, 509 F.2d 1405, 1407 (4th Cir. 1975) (holding *pro se* prisoner may not bring a class action on behalf of fellow prisoners)). But there is no right to appointed counsel in civil-rights actions. And “the court will appoint

1 counsel for indigent civil litigants only in 'exceptional circumstances.'" *Palmer v. Valdez*,
 2 560 F.3d 965, 970 (9th Cir. 2009).

3 In any event, "[a] civil action is commenced by filing a complaint with the court."
 4 Fed. R. Civ. P. 3. Nevada Local Rule LSR 2-1 provides that "[a] civil-rights complaint filed
 5 by a person who is not represented by an attorney must be submitted on the form
 6 provided by this court or must be legible and contain substantially all the information called
 7 for by the court's form." And the complaint must be signed personally by the
 8 unrepresented party. Fed. R. Civ. P. 11(a).

9 Moreover, this Court must collect filing fees from parties initiating civil actions. 28
 10 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350
 11 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is
 12 unable to prepay the fees in a civil case may apply to the court for leave to proceed *in*
 13 *forma pauperis*." LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate
 14 must submit **all three** of the following documents to the Court: (1) a completed
 15 **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the
 16 Court's approved form, that is properly signed by the inmate twice on page 3; (2) a
 17 completed **Financial Certificate**, which is page 4 of the Court's approved form, that is
 18 properly signed by both the inmate and a prison or jail official; and (3) a copy of the
 19 **inmate's prison or jail trust fund account statement for the previous six-month**
 20 **period**. See 28 U.S.C. § 1915(a)(1)–(2); LSR 1-2.

21 The Court will grant each Plaintiff an opportunity to file a signed complaint and
 22 either pay the full \$402 filing fee or file a fully complete application to proceed *in forma*
 23 *pauperis*. But only Plaintiff Thomas Williams is permitted to proceed in this action
 24 currently. If any other Plaintiff wishes to proceed with his claims, he must file a signed
 25 complaint with the Court, under a new case number, and either pay the full \$402 filing fee
 26 or file a fully complete application to proceed *in forma pauperis*.

II. CONCLUSION

For the foregoing reasons, it is ordered that Plaintiff Thomas L. Williams will submit a signed first amended complaint to this Court **on or before December 26, 2023**.

It is further ordered that if Plaintiff Thomas Williams chooses to file an amended complaint, he is advised that an amended complaint replaces the original complaint, so the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989). This means the amended complaint must contain all claims, defendants, and factual allegations that Plaintiff Thomas Williams wishes to pursue in this action. Thus, the submission of a mere signature page will not be enough. Moreover, Plaintiff should file the amended complaint on this Court's approved civil-rights form, and it must be titled "First Amended Complaint."

It is further ordered that, **on or before December 26, 2023**, Plaintiff Thomas Williams will either pay the full \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all three required documents: a completed application with the inmate's two signatures on page 3, a completed financial certificate that is signed both by the inmate and the prison or jail official, and a copy of the inmate's trust fund account statement for the previous six-month period.

It is further ordered that Plaintiffs Joey Keaton and Haywood Wilson are dismissed without prejudice from this action.

Plaintiff Thomas Williams is cautioned that this action will be subject to dismissal without prejudice if he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when he can file a signed complaint and either pay the required filing fee or apply for *in forma pauperis* status.

It is further ordered that if either Joey Keaton or Haywood Wilson wishes to proceed with his claims, each inmate must file his own complaint with the Court, under a new case number, and either pay the full \$402 filing fee or file a fully complete application to proceed *in forma pauperis*.

1 It is further ordered that the Clerk of the Court will send Plaintiff Thomas Williams,
2 Joey Keaton, and Haywood Wilson each the approved form for filing a 42 U.S.C. § 1983
3 complaint and instructions for the same, the approved form application to proceed *in*
4 *forma pauperis* for an inmate and instructions for the same, a copy of the original
5 complaint (ECF No. 1-1), and General Order No. 2021-05.

6 DATED THIS 26th day of October 2023.

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10 UNITED STATES MAGISTRATE JUDGE
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